



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General
900 East Main Street
Richmond, Virginia 23219

June 10, 2010

Mr. Charles S. Reed
Associate Director, Office of Health Benefits
Department of Human Resource Management
101 N.14th Street, 13th Floor
Richmond, VA 23219

Re: Proposed Amendments to Regulations Defining Dependents for Purposes
of Health Coverage (1VAC55-20-20 and -320)

Dear Mr. Reed:

I have reviewed the Department of Human Resource Management's proposed regulations (1VAC55-20-20 and -320), which would redefine "dependents" for purposes of health coverage for participants in the Department's health plans for public employees and their dependents. With one exception (relating to grandchild coverage), the amendments are legally necessary to conform to the requirements of the federal Patient Protection and Affordable Care Act passed by Congress in March of this year (PL 111-148).

I understand that these proposed amendments are being submitted under the Administrative Process Act pursuant to the fast-track process as defined by Va. Code § 2.2-4012.1 because it does not appear that they would be controversial. I am of the opinion that the proposed regulations are within the statutory authority of the Department of Human Resource Management under Va. Code §§ 2.2-1204 and 2.2-2818, and, further, that they are appropriate for the fast-track rulemaking process.

Sincerely yours,

Guy W. Horsley, Jr.
Special Assistant Attorney General